

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

LAKEVIEW MEDICAL CENTER,  
  
RESPONDENT.

**FINAL DECISION AND ORDER**

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LS0005178PHM

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The parties to this action for the purposes of §227.53, Wis. Stats., are:

*Lakeview Medical Center  
1100 N. Main St.  
Rice Lake, WI 54868*

*Wisconsin Pharmacy Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935*

*Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935*

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

**FINDINGS OF FACT**

1. Respondent Lakeview Medical Center is and was at all times relevant to the facts set forth herein a general hospital which owns and operates a licensed pharmacy in the State of Wisconsin pursuant to license #6248, as an institutional pharmacy.
2. Respondent's pharmacy did, on July 31, 1996, receive a prescription order for a patient who was 25 days old and who had just undergone a pyloromyotomy, for morphine 0.5mg/hr IV. Standard reference works state that this dosage is approximately ten times the appropriate dose for a neonate. The patient expired approximately 12 hours after the order was dispensed and began to be administered, and the cause of death was morphine overdose.
3. Immediately following the death of the patient, the managing pharmacist of the pharmacy indicated to his superiors his intention to report this incident to the Pharmacy Examining Board pursuant to the duty imposed by § Phar 10.03(7), Wis. Adm. Code.
4. On or about August 1, 1996, and again on August 27, 1996, a responsible executive of respondent Lakeview Medical Center who was superior to the managing pharmacist instructed the pharmacist that it was not

necessary to report this matter to the Board, and plainly implied that the managing pharmacist was not to report this matter to the Board, notwithstanding § Phar 10.03(7), Wis. Adm. Code.

5. The managing pharmacist reported this matter to the Board on September 9, 1996.

### **CONCLUSIONS OF LAW**

A. The Wisconsin Pharmacy Examining Board has jurisdiction to act in this matter pursuant to §450.10, Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraph 4, above, violated § Phar 10.03(7), Wis. Adm. Code. Such conduct continued from the day that the managing pharmacist was instructed not to report the matter, until the day that the incident was reported, and a separate violation occurred on each such day. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

### **ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Lakeview Medical Center shall FORFEIT \$5,000 in this matter, to be paid within 30 days of this order.

IT IS FURTHER ORDERED, that respondent shall pay COSTS in this matter in the amount of \$600, within 30 days of this order.

IT IS FURTHER ORDERED, that respondent shall take no action, direct or indirect, against its managing pharmacist in consequence of his having reported this matter to the Board or having cooperated with the Board's investigation, at any time or in any manner.

IT IS FURTHER ORDERED, that pursuant to §227.51(3), Wis. Stats., and ch. RL 6, Wis. Adm. Code, if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license of respondent be summarily suspended pending investigation of the alleged violation.

Dated this May 17, 2000,

WISCONSIN PHARMACY EXAMINING BOARD, by:

s/

John Bohlman, R.Ph.

a member of the board